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Letter dated 20 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Slovenia submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 14 July 2006 from the Permanent Representative of Slovenia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

On instructions of my Government and further to your letter dated 15 May 2006, I have the honour to transmit the report of the Republic of Slovenia on additional measures to combat terrorism pursuant to Security Council resolution 1624 (2005).

The Government of the Republic of Slovenia stands ready to provide any further information requested by the Counter-Terrorism Committee.

(*Signed*) Roman **Kirn**
Ambassador
Permanent Representative of the
Republic of Slovenia to the United Nations

Enclosure

Report of the Republic of Slovenia
on the implementation of counter-terrorism measures in line with
United Nations Security Council Resolution 1624 (2005)

1. What measures does Slovenia have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Article 355 of the Penal Code lays down the crime of "internal" and Article 388 international terrorism. The Penal Code also lays down other crimes deriving from anti-terrorism conventions, which are listed in the annex to the International Convention for the Suppression of the Financing of Terrorism[1].

The Act Amending the Penal Code provided the Penal Code with a new Article 388.a, which serves to define the new crime of financing terrorist acts. This also defines explicitly as a crime the provision of funds for the perpetration of terrorist crimes that have not actually been carried out.

The provision reads:

"Financing of terrorist acts
Article 388. a

(1) Whoever provides or collects money or assets with the intention of this being used partly or entirely for the perpetration of crimes referred to in Articles 144, 330, 331, 352, 353, 354, 355, 360, 388, 389 or 390 of this Code or some other violent act aimed at destroying the constitutional order of the Republic of Slovenia, causing grave disturbance to public life or the economy, causing death or grave physical injury to persons not actively participating in a military clash or the purpose of which is to terrorise people or coerce a state or international organisation to do or not do something.,
shall be punished by imprisonment of one to ten years.

(2) The same sentence shall apply to the perpetrator of an act referred to in the preceding paragraph also where money or assets provided or collected for the intended purpose were not actually used for the perpetration of crimes set out in the preceding paragraph.

(3) If such act referred to in the preceding paragraphs of this Article was perpetrated within an organised crime group, the perpetrator shall be punished by imprisonment of at least three years.

(4) Money and assets referred to in the preceding paragraphs shall be seized."

In connection with prohibiting the incitement of terrorist crimes, Article 26 of the Penal Code is important in that it defines solicitation for the perpetration of a criminal act as a crime. Given that this provision is placed in the General section of the Penal Code and in view of the subsequent content of this Article, we would stress that in accordance with Slovenian law solicitation for any kind of criminal act from the Special section of the Penal Code is regarded as a crime – in other words including solicitation to commit terrorist crimes. Moreover, where

[1] Penal Code: Article 144 – seizure of persons, Article 330 – seizure of aircraft or vessel, Article 353 – seizure of the highest representatives of the state, Article 389 – threatening persons under international protection, Article 390 – taking of hostages

this involves a crime for which a prison sentence of three years or a more severe punishment may apply (and this includes terrorist crimes), the person soliciting is punished as if this were an attempted crime, even in cases where the act being incited was not even attempted.

The provision of Article 26 of the Penal Code reads:

"Criminal solicitation
Article 26

(1) Whoever in a premeditated manner solicits another to commit a crime shall be punished as if he had committed such crime himself.

(2) Whoever in a premeditated manner solicits another to commit a criminal act for which under the law three years of imprisonment or a more severe punishment may apply, shall be punished in the same manner as for an attempted crime, even if the act was not actually attempted."

In its general provisions the Penal Code also sets out assistance in the commission of a criminal act as a crime:

"Article 27:
(1) Any person who deliberately supports another person in the committing of a criminal offence shall be punished as if he himself had committed it, although he may also receive a lighter sentence.

(2) Support in the committing of a criminal offence shall be deemed to be constituted, in the main, by the following: counselling or instructing the perpetrator on how to carry out the offence; providing the perpetrator with instruments of a crime; the removal of obstacles for the committing of a crime; a priori promises to conceal the crime or any traces thereof; concealment of the perpetrator, instruments of crime or objects gained through the committing of crime."

An initiative has also been launched for starting the procedure to amend and supplement Articles 388 and 355 of the Penal Code. This involves an initiative for addressing, or rather criminalising, the extolling of terrorism, appeals for and incitement to terrorism, the activity of recruiting for the needs of terrorist organisations or attacks, and criminalising the training and serving of paramilitary units.

2. **What measures does Slovenia take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?**

Slovenian legislation governing the entry and residence of aliens contains appropriate safety provisions, whose purpose is to prevent the entry and residence of persons that commit or incite the commission of terrorist acts. Under the Aliens Act therefore entry into Slovenia is denied to any alien for whom there are grounds to suspect that their stay in the country might be linked to the perpetration of terrorist or other violent acts. Possible threats to public order and the safety of the country as well as potential terrorist threats posed by applicants are also checked in every procedure for the issuing of alien residence permits, and this may result in denial of a residence permit or in the cancelling of a permit already issued.

In the area of the entry and residence of aliens, Slovenian legislation is harmonised with that of the European Union.

Safety provisions are also contained in the Asylum Act, where Article 4 provides that the right to asylum is not granted to persons for whom there are reasonable grounds to suspect:

- that they have committed crimes against peace, war crimes or crimes against humanity as defined by international acts,
- that they have committed grave crimes of a non-political nature outside Slovenia before being accepted into the country as refugees,
- that they have committed acts counter to the aims and principles of the United Nations.

In the practice to date of dealing with requests for asylum, the case was recorded of an asylum seeker for whom an international arrest warrant had been issued for terrorism, but before it was possible to take appropriate action the person voluntarily left the Asylum Centre.

In chapter III of the Penal Code covering punishments, Article 40 provides the punishment of deportation, which a court may order against an alien that has been sentenced to imprisonment in an enforceable ruling for one to ten years.

3. **How does Slovenia cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?**

Slovenia cooperates in strengthening the external and internal borders of the EU through the exchange of information and by investigating suspected crimes linked to terrorism. The exchange of information is conducted via Europol (various projects aimed at a specific issue within the framework of terrorism trends), the international police cooperation organisation Interpol (most commonly as part of checking the identity of individual illegal migrants and investigating suspected crimes linked to terrorism), the Police Working Group on Terrorism (PWGT) regarding exchange of operational police information linked to terrorist activities and within EU working bodies.

4. **What international efforts is Slovenia participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilisations in an effort to prevent the indiscriminate targeting of different religions and cultures?**

Slovenia cooperates with other countries on various levels within the UN, European Union, the Council of Europe and the Organisation for Security and Cooperation in Europe:

The "Alliance of Civilizations" initiative

In the concluding document of the UN Summit, under point 144 "Culture of peace and initiatives on dialogue between cultures, civilizations and religions" the member states reaffirmed the Declaration and Action Plan on the Culture of Peace and the Global Agenda for Dialogue between Civilizations (the "Iran initiative") and its action plan, which was adopted by the UN General Assembly on 21 November 2001. Countries undertook to work towards promoting a culture of peace and dialogue on the local, national, regional and international levels. In this light countries welcomed the "Alliance of Civilizations" initiative, which was officially confirmed on 14 July 2005 by General Secretary Kofi Annan.

Based on the positive reaction to the initiative, a "group of friends" was formed, and Slovenia joined other countries and organisations in this group. Furthermore in 2005 Slovenia contributed financially to the fund from which the initiative is financed, and we repeated this contribution in 2006.

Recently Slovenia drew up and submitted to the Alliance of Civilizations Secretariat a substantive contribution to the High Panel for a Concluding Document, which will be adopted at the fourth meeting of the Alliance due to take place in October 2006 in Turkey.

European Union

Within the EU, Slovenia cooperates in implementation of the action plan for combating radicalisation and recruitment, which was adopted at the European Council in December 2005 as a component part of carrying out the EU Counter-Terrorism Strategy, which contains measures on the EU and Member States levels. The area of radicalisation and recruitment is one of the most important within the preventive fight against terrorism.

Organisation for Security and Cooperation in Europe

As the chairing country of the OSCE, Slovenia strove to secure support for the "Alliance of Civilizations" initiative as part of the **"Decision of the OSCE Ministerial Council on tolerance and non-discrimination and the promotion of mutual respect and understanding "** in Ljubljana in December 2005. This decision clearly set out the intention for the OSCE to prepare its own contribution on the basis of the expertise and experience of OSCE structures and institutions, and to present this to the High Panel by the end of June 2006.

Tripartite forum on interfaith cooperation for peace

This forum was established on 24 March 2006 on the initiative of the Philippines, and is conceived as a tripartite partnership of governments, UN groups and the civil society. The purpose of the forum is to promote interfaith cooperation and a culture of peace and dialogue between civilisations. The secretariat of the initiative functions at the Permanent Representation of the Philippines at the UN in New York. Slovenia has joined this initiative.

On the fringe of the 61st UN General Assembly there will be a ministerial meeting of the forum, at which Slovenia intends to participate.

Other activities

Interfaith and intercultural dialogue will be one of the priorities of Slovenian foreign policy during the Slovenian presidency of the EU in the first half of 2008.

The importance of dialogue will also be highlighted during Slovenia's presidency of the Human Security Network in the period June 2006-June 2007. Within this network, which includes countries from all continents and all framework civilisational contexts, a common position of member states will be formulated and this will be addressed to various debates in intergovernmental organisations and conferences, especially under the aegis of the UN. In this sense Slovenia intends to organise a ministerial lunch of the Human Security Network, which will be held just before the start of the 61st session of the UN General Assembly. We will invite to this lunch experts and high representatives of the initiative, including the special adviser to the General Secretary, Annan Iqbal Rizza.

Slovenia also took part in the Conference on Interfaith Dialogue held at the beginning of July 2006 in Cyprus.

5. What steps is Slovenia taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

In connection with intolerance, Article 141 of the Penal Code lays down the crime of violating equality, while Article 300 lays down the crime of stirring up hatred, strife or intolerance based on violation of the principle of equality. The wording of the two Articles reads as follows:

"Violation of Right to Equality
Article 141

(1) Whoever, owing to differences in respect of nationality, race, colour of skin, religion, ethnic roots, gender, language, political or other beliefs, sexual orientation, financial standing, birth status, education, social position or any other circumstance, deprives or restrains another person of any human right or liberty recognised by the international community or laid down by the Constitution or statute, or grants another person a special privilege or advantage on the basis of such discrimination shall be punished by a fine or sentenced to imprisonment of not more than one year.

(2) Whoever prosecutes an individual or an organisation due to his or its advocacy of the equality of people shall be punished under the provision of the preceding paragraph.

(3) In the event of the offence under the first or the second paragraph of the this Article being committed by an official through the abuse of office or of official authority, such official shall be sentenced to imprisonment of not more than three years."

"Stirring up hatred, strife or intolerance based on violation of the principle of equality
Article 300

(1) Whoever provokes or stirs up ethnic, racial or religious hatred, strife or intolerance or disseminates ideas on the supremacy of one race over another, or provides any

kind of help in racist activities, or denies, diminishes the importance of, approves of or argues for genocide, shall be sentenced to imprisonment of not more than two years.

(2) If the offence under the preceding paragraph has been committed by coercion, maltreatment, endangering of security, desecration of national, ethnic or religious symbols, damaging of the movable property of another, desecration of monuments or memorial stones or graves, the perpetrator shall be sentenced to imprisonment of not more than five years.

(3) Materials and objects bearing messages referred to in the first paragraph of this Article, as well as accessories intended for their production, duplication and circulation shall be seized or their use appropriately disabled."

6. **What is Slovenia doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?**

All measures in the fight against terrorism must be harmonised with the international obligations of the state in the area of protection of human rights and must ensure that international standards of protection of human rights are also ensured by the competent authorities cooperating in the fight against terrorism.

Human rights and fundamental freedoms are provided in Slovenia on the constitutional level – specifically in Chapter II of the Slovenian Constitution. In respect of the area under discussion, alongside the general provisions on individual human rights the following constitutional provisions are of primary importance in connection with the fight against terrorism (preventing and discovering what are termed terrorist crimes and prosecuting the perpetrators of such crimes): Article 20 – orders for and duration of detention, Article 21 – protection of human personality and dignity, Article 27 – presumption of innocence, Article 28 – the principle of legality in criminal law and Article 29 – legal guarantees in criminal proceedings. These provisions of the Slovenian Constitution are defined in greater detail in the relevant provisions of the Penal Code and the Criminal Procedure Act. The Criminal Procedure Act does not prescribe any special procedures for dealing with suspects, defendants or those convicted of crimes in the area of terrorism. This means that these persons are also governed by the same standards of protection of rights within procedures, the same standards of evidence for ordering covert investigation measures and the same conditions for ordering detention.

With regard to the above, oversight in Slovenia by expert committees of the United Nations in the area of human rights (for instance the Human Rights Committee, the Committee against Torture) also covers overseeing adherence to standards of protecting human rights in the fight against terrorism. Moreover Slovenia has ratified and incorporated into its legislation all the major international documents in the area of human rights.